

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14201, as amended, of Mount Sinai Baptist Church of Washington, D. C., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7205.3 to use the subject lots as accessory parking spaces for the Church in an R-4 District at premises 1638-1642 - 3rd Street, N.W., (Square 520, Lots 76, 77 and 78).

HEARING DATES: October 24 and December 19, 1984
DECISION DATE: January 9, 1985

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of October 24, 1984. It appeared on the preliminary calendar on that date since a review of the evidence disclosed that the list of names and mailing addresses of the owners of all property within 200 feet in all directions from all boundaries of the subject property was incomplete. The Chair continued the case to the public hearing of December 19, 1984. Proper notice was given for the December 19, 1984, hearing.

2. The application appeared on the preliminary calendar of the public hearing of December 19, 1984. The applicant had not complied with Section 302.3 of the Supplemental Rules of Practice and Procedure before the BZA, in that the applicant had filed an affidavit two days prior to the public hearing evidencing that the subject property had been posted with notice of the hearing, whereas the Rules require that the affidavit be filed not less than five days. In addition, there was a letter of record from an adjacent property owner that he had not received notice of the hearing. The applicant produced a certified receipt from the Postal Service that the applicant had mailed the notice to the Zoning Secretariat within the five day period. The record also reflected that the property owner had actual notice of the public hearing by the very fact that he wrote the letter. The Chair ruled that the case would go forward on that date.

3. The application was amended at the public hearing. Paragraph 3104.45 of the Zoning Regulations could not control the application, since the church and the accessory parking spaces are not in the same square as required under

Paragraph 3104.45. The applicant now seeks its relief under Sub-section 7205.3 of the Zoning Regulations.

4. The subject site is located on the west side of 3rd Street between Q and R Streets and is known as premises 1638-1642 3rd Street, N.W. It is in an R-4 District.

5. The subject site consists of three lots each measuring seventeen feet in width and 88.375 feet in depth. The lots are unimproved. The structures previously existing on the site were razed.

6. The applicant proposes to use the subject lots for the parking of the cars of its members during the Church's services. In the recent past, the Church's membership has increased from 900 to 1,200 members.

7. Mt. Sinai Baptist Church, the applicant herein, is located at the northeast corner of the intersection of 3rd and Q Streets. The proposed parking lot is across 3rd Street and approximately four building lots removed from the southwest corner of the intersection of 3rd and R Streets.

8. In addition to the church, the church site has a parking lot with a capacity for fifty cars. The Church is planning to construct a new structure on the site where the parking lot is now located.

9. Upon completion of the new structure, the Church anticipates that twenty-five parking spaces will be restored to the original site.

10. The proposed parking lot is within 800 feet of the lot line of the Church.

11. The Church proposes to pave all three lots with asphalt and provide landscaping.

12. The Church also plans to secure the lot by providing for adequate fencing, lighting, and the placement of wheel stops to prevent cars from damaging the sides of the adjacent houses. In addition, the lot will be locked during periods of non-use and will be limited to Church use only. An attendant will be on site when the lot is being used.

13. It was the Church's opinion that the proposed parking will benefit the neighborhood as well as the Church. The parking lot will provide twenty-five spaces for Church members who would otherwise park on the neighboring streets.

14. The Church had contacted the District of Columbia school board concerning the use of parking facilities at Dunbar High School, located a few blocks from the church.

After discussion with the appropriate officials, the Church concluded that the cost for the use of the lot was too prohibitive. The Church has obtained temporary parking stickers/permits from Northwest Cooperative Homes for the three Church vehicles until parking is available on the new site.

15. The Department of Public Works (DPW), by memorandum dated October 17, 1984, reported that from a transportation standpoint, it had no objection to this application, since provision of off-street parking facilities for the Church will alleviate existing on-street parking congestion during Church functions. Should the application be granted, the applicant should be required to landscape the parking lot and screen it from neighboring houses and yards. The DPW suggested that the applicant should also be required to fence in the lot and secure it when it is not in use by churchgoers. The Board for reasons, discussed in its Conclusions of Law, does not concur in the report of the DPW.

16. Advisory Neighborhood Commission 5C, by letter dated October 17, 1984, reported that it would take no position on the application. It further reported that the community appeared divided on the application.

17. There were petitions of record in favor of the application on the grounds that the subject lots would be used solely by the Church.

18. There were petitions of record opposed to the application on the grounds that the parking lot would create a safety hazard for pedestrians, would alter the already well-established residential character of the subject block, would create an artificial barrier between homes on the block and would not eliminate the critical parking condition which already exists in the immediate area.

19. The Center City Community Corporation, the Shaw Project Area Committee, the Better Neighborhood Association and nine individual property owners testified at the public hearing in opposition to the application. The opposition argued as follows:

- A. The subject neighborhood has undergone a revitalization. Structures that housed transients and homes that were boarded-up have been bought, renovated and sold and are now occupied by new owners. Many of the families have young children. The owners have formed crime watch committees, and have organized themselves into groups cleaning up the alley and cleaning up the subject lots.

that such concern is not a zoning question. Any abuses occurring on the lot are the concerns of the D.C. Police Department. The BZA has no jurisdiction over that matter.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirement of Sub-section 7205.3 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has not met its burden of proof. For the reasons found in Finding No. 19, the Board concludes that granting the requested relief would have an adverse affect on the use of neighboring properties and would be contrary to the purpose and intent of the Zoning Regulations for the subject residential neighborhood. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-1 (George M. White, William F. McIntosh and Carrie L. Thornhill to deny; Charles R. Norris opposed to the motion; Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

23 APR 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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